THE DAILY JOURNAL

SATURDAY, MAY 11, 1895. WASHINGTON OFFICE-1410 PENNSYLVANIA AVENUE Telephone Calls. usiness Office...... 28 | Editorial Rooms...... 8 TERMS OF SUBSCRIPTION. DAILY BY MAIL

WHEN PURNISHED BY AGENTS. Daily, per week, by carrier..... Daily and Sunday, per week, by carrier... Reduced Rates to Clubs. Subscribe with any of our numerous agents or send

JOURNAL NEWSPAPER COMPANY. Indianapolis, Ind. Persons sending the Journal through the mails in the United States should put on an eight-page paper a ONE-CENT postage stamp; on a twelve or sixteen-page laper a Two-CENT postage stamp. Foreign postage is

Tall communications intended for publication in this paper must, in order to receive attention, be acmpanied by the name and address of the writer.

ually double these rates.

THE INDIANAPOLIS JOURNAL Can be found at the following places— PARIS—American Exchange in Paris, 36 Boulevard de NEW YORK-Gilsey House, Windsor Hotel and Astor

PHILADELPHIA-A. P. Kemble, cor. Lancaster ave.

and Baring st. CHICAGO-Palmer House, Auditorium Hotel and O. News Co., 91 Adams street. CINCINNATI-J. R. Hawley & Co., 154 Vine street. LOUISVILLE-C. T. Deering, northwest corner of Third and Jefferson sts., and Louisville Book Co., 356 Fourth ave. ST. LOUIS-Union News Company, Union Depot

WASHINGTON, D. C.—Riggs House, Ebbitt House, Wilhard's Hotel and the Washington News Exchange, 14th street, bet. Penn. ave. and F street.

Democratic county superintendents disapproved of the passage of the present law relating to their office on the ground that it brought the office into politics. Their determination to hang on to their places in defiance of law is, of course, based on purely educational motives.

There continues to be a suspicious uniformity in the official dispatches from Cuba regarding the rapidly waning strength of the rebellion, but the news brought by passengers arriving in Florida is of a very different tenor. The Spanish authorities may succeed in suppressing the rebellion, but they will not do it by lying.

The National tube works of McKeesport, Pa., the largest establishment of the kind in the world, has announced that the wages of its employes in the pipe department will be advanced 10 per cent., beginning the 13th inst. As these employes were all cut from 10 to 20 per cent. last May the present advance is simply a step toward the recovery of lost ground. Nevertheless, it is an encouraging sign of improving

Social requirements in Kentucky have all been met. Mr. Gordon, who avenged his wounded honah, sah, by shooting his wife and a man dead, has been enthusiastically acquitted of the charge of murder, and everybody is happy-except, possibly, Mr. Gordon. His conduct since the affair leads to the belief that he is not quite able to live up to the role of bloody avenger and has some compunctions of conscience over his deed. It has perhaps occurred to him that the bitterest fate which could have been visited upon the woman in the case, at least, would have been to permit her to live.

Senator Peffer has been interviewed on the money question, and it is hardly necessary to say he has views. As between gold and silver he has no choice. His dislike and distrust of both are impartial, and he thinks their only use should be to pay off bonds payable in coin. For this reason he favors free colnage of silver until all the bonds are paid off. Beyond that he says: "I do not believe that the money of any nation should be constructed of any marketable commodity, for so sure as it has a commercial value it will be used by the money gamblers to unsettle our financial system." In other words, the Kansas statesman believes in flat paper money redeemable in nothing and worth

Gen. Benjamin Harrison, who yesterday made the closing argument in the Morrisson will case at Richmond, is reported as saying that he will never address a jury again. It is not unlikely that he has announced this determination. It is within the knowledge of the Journal that he entered the present case reluctantly and was induced to do so partly by personal considerations. The fact that it has proven to be tedious and exacting beyond all expectation may have contributed to General Harrison's determination not to engage in any more jury cases, but aside from this his decision is not surprising. If he wishes to continue the practice of law there are other lines of employment more agreeable to his tastes and more lucrative in which his services will be in constant demand. Few lawyers of his age have made more or better jury speeches than General Harrison, and if he has made his last one he has closed a career of rare forensic eloquence.

From this distance it looks as if Col. H. A. Dupont, having received fifteen out of twenty-nine votes in the joint convention, were legally elected United States Senator from Delaware. Governor Watson had no right to preside over the joint convention by virtue of having formerly been Speaker of the Senate. When, on the death of Governor Marvil, he succeeded to the office of Governor he ceased to be a Senator and Speaker of the Senate and had no right in the joint conventions But, admitting that he had, his declaring the convention adjourned could not affect the legality of Dupont's election. The essential point is that the latter received a majority of all the votes cast in the convention and was therefore elected, and it was competent for the Speaker of the House, as the only legal presiding officer of the convention, to so declare. The case is likely to give rise to a long contest, but the Journal predicts that Colonel Dupont will be seated. The action of Addicks, who had declared that if he could not be elected himself no other Republican should be, was consistently treacherous and disgraceful to the last, and the people of Delaware and the country should be congratulated on his defeat.

A political scandal has just been developed in Canada which for boldness is without a parallel. It appears that the sum of \$300,000 was "borrowed" from the government several years ago pal contests they may learn the weak- quests are made to various of his family

by a number of political railroad men in New Brunswick for the erection of a bridge at Fredericton, the provincial capital. Interest was to have been paid upon the amount at the rate of 4 per cent. per annum, but an examination of the public accounts and the admissions of the Ministers themselves show that there are arrearages of interest to the amount of nearly \$80,000, and that not a cent of interest has been paid by the borrowing syndicate for the last six years, though some of its members are millionaires. The next time some British censor feels moved to descant on the corruption of American politics he should make an incursion into Can-

THE GRESHAM-THURSTON LETTER.

The publication of Secretary Gresham's missing letter to Minister Willis relative to the recall of Minister Thurston completes the history of that incident. The letter partially confirms the rumor current about the time of Mr. Thurston's departure that his offense consisted in giving to the press or to some correspondent information concerning affairs in Honolulu which reflected on the President. It appears, however, that this information was not official, but was contained in private letters to Mr. Thurston, and that he gave it to the press agent, not as expressing his personal or official views, but as showing the state of feeling in Honolulu. His action was indiscreet and probably improper, but in itself it was not sufficient to have justified his recall. No doubt it was the nature of the information which he gave out that got him into trouble. If it had been complimentary to the President, stating that his Hawaiian policy was popular in Honolulu; that our new minister there was very much liked, etc., nobody would have thought of censuring Thurston for giving it out. But because his correspondent in Honolulu represented the situation as it was the President and Secretary Gresham got very angry, and Thurston had to go. Of course, every government has a right to decide for itself when the representative of another government has become so distasteful to it as to justify a request for his recall, but in this case it looks very much as if Secretary Gresham had been "laying for" Thurston and seized the first available pretext for picking a quarrel with him. But the real animus of the proceeding was deeper than hostility to Thurston; it was hostility to the government he represented. Mr. Cleveland and Secretary Gresham cannot forgive the Dole government in Hawaii for having resisted and defeated their plan to re-establish the monarchy and restore the Queen. They hated Thurston because he represented a government whose existence was a standing rebuke of their policy of infamy, and if his recall had not been requested for the reason alleged in Secretary Gresham's letter some other pretext would have been

The singular accident by which the er was missent from San Francisco to Hong Kong, thus giving Mr. Thurston time to get to Honolulu and resign before the letter got back there, simplifies the incident. If the Hawaiian government makes any reply at all to Secretary Gresham's letter it will doubtless be very brief. President Dole does not lose his head, his temper nor his dignity, which is more than can be said for some other high officials.

THE EASTERN PEACE. The signing of the treaty by the representatives of Japan and China practically brings to a close one of the most remarkable wars in modern history, because its outcome has upset all of the axioms and laws upon which results have been determined when great nations go to war. When Japan took the aggressive against China the civilized world denounced the former's rashness because defeat was not only certain, but was sure to be so overwhelming that Japan in the end might be erased from the map of the Orient. What could 40,. 000,000 of people do against 380,000,000 when both were supposed to be proportionally able to prosecute a war? Many gave China sixty days in which to annihilate Japan, and when Japan had won in a few preliminary conflicts was generally predicted that China was getting ready. Nevertheless, from the beginning to the end Japan has been the aggressor and the victor, invading the soil and capturing the towns, stampeding the armies of the hearly ten times greater nation in every battle. It was not a lack of the sinews of war which hampered China, for these it could command beyond Japan. China had war ships and armament at the outset, but when its rulers were brought to a stage of the war when it could not purchase ships in Europe it was, in a certain sense, crippled because it must depend upon its own resources and its own naval yards where it was an imitator of Europe. At the outset Japan had the best and kept in the lead with the latest and most effective implements of war. As the war progressed the world was amazed at the successful audacity of Japan and the weakness and helplessness of China with its apparent overwhelming superiority. It was more amazed when nearly three months ago the Emperor of China confessed his helplessness when he implored the good offices of the United States and other countries to put an end to the

The difference between the two nations is that Japan is a people of to-day. The national spirit has been aroused. Its people have been inspired by the purpose and ambition of their rulers. China is a nation of the past, content with the civilization of a thousand years ago, and hostile to progress. As a people the Chinese masses have fallen so low that no sentiment can reach them. Rulers have done nothing for their elevation for centuries, and much for their oppression. Such men could be driven into battle, but, once there, they would throw down their arms. The Emperor of China saw this long before others, and to save China from its own people he made haste to purchase peace.

Numbers have practically unmade China. A country can be filled with a people who are a weakness and a menace. On the other hand, the peoples which are to lead the way must have intelligence, pride of country and that valor which is inspired by achievement. The leaders in some American cities seem to think that numbers give precedence. If they have not learned it in periods of disturbance and in munici-

ness of populations which are only sufficiently human to be picked up by the

There are good reasons why the order requiring teachers and pupils of the public schools to turn out on Decoration Day should not have been made. To begin with, the board has no legal right to make such order on any day of the year, least of all on a legal holiday. It would impose on teachers and pupils an onerous duty which they are under no obligation to perform. Several of the schoolhouses are more than two miles from the Statehouse, where it is proposed to assemble the schools, and the march would be exhausting. The motive of the order, the cultivation of patriotism, 3 all right, but that sentiment is better developed by voluntary exercise than by compulsion.

BUBBLES IN THE AIR.

The Corn-Fed Philosopher. "I have never mastered the art of getting rich without work," said the corn-fed philosopher, "but at least I know the secret of working without getting rich. Yes, in-

Repartee. "You ought to be ashamed of yourself," said the feather-legged hen to the game one. "The idea of you trying to crow." "Anyway," retorted the game hen, with scornful glance at the other's extremities, 'anyway, I have not begun wearing

Pride. The little Boston boy was so plainly puffed up with juvenile vanity that the visitor noticed it. "Robert seems unusually proud to-day,"

"Yes," the fond mother answered, "he has on his first pair of spectacles."

The Cheerful Idiot. "Do you know, Amaryllis," asked the Cheerful Idiot, "why the letter s is like the presentation of a cigar to a colored gentleman?"

The waiter girl gave it up. "I will tell you, Angeline," continued the Cheerful Idiot. "It is because it makes the moke smoke."

HARRISON TO A JURY.

(Concluded from First Page.) was made known. A man wants to have the continued love and veneration of those leaves behind him. He desires that his descendants shall live together in harmony that his property shall not be a bone contention, a wedge to divide hearts. He wants the veneration and kindly memory of himself to live in the hearts of his children and of his grandchildren. And if his disribution is unequal he will have and he will give a reason for it With this sentence General Harrison asked that the court adjourn for the noon recess. The jury was dismissed with the usual admonition.

THE FOUR WILLS. The afternoon discussion was wholly upon the four wills of which there is knowledge. 'The naturalness or unnaturalness of their provisions," said General Harrison, "the presence or the absence of rational method of distribution, all these things are to be taken into account. You have heard something said about maudlin sentiment of men in favor of equality. Gentlemen, it is not maudlin. It may have maudlin manifestations, but the sentiment is right. Equality and the just recognition of deserts and

claims in justice is not a maudlin sentiment. James Morrisson had a sense of this, and, gentlemen of the jury, the feeling out of that weak old man, the reaching out of his clouded mind after justice, presents the most touching and pathetic instance of this whole case. He thought a will ought to be ust. He said to Mr. Elgar Hibberd, 'Is \$15,000 enough, or is it just?" And to Judge Kibbey, in the presence of this very will in ontest, that old man said, 'Is that just' He thought a man ought to be just. Unfortunately, he did not find any help. fortunately, those to whom he said, 'Is'this just, do you think this is right?' did not help him any. Mr. Elgar Hibberd shied from the question. He did not make any answer. I pause here to ask why it was, if Elgar Hibberd did not have some intimaion or some thought that the will was to favor his family, if he was thinking that the will was to be equal between him and Robert's children, why was he so shy? I he thought there was to be an advantage here. I can understand why he was shy but, if he was looking for no advantage, had sought no advantage and expected no ad vantage, I cannot understand why he did not take Judge Kibbey's message and go with it, not only to James Morrisson, bu go with it to Mrs. Robert Morrisson, and tell Bertha, and tell Jamie, that Judge Kibbey had sent him there to deliver that message, and make no secret about it at all He was too shy. There is in that very shyness an indication that he was looking for advantage in this will. If there had been perfect candor about this would he not, as have said, without any objection, have carried that message and have told Mrs Robert Morrisson and her children about it Judge Kibbey tells him that justice is not the word to be used in connection with the will. Mr. Morrisson thought it was, and gentlemen, every one of you thinks it is Vhat is just between my children; what have they a just right to expect of me under al the circumstances, is the question that every one of you will ask when you sit down to make your will. You won't be saying to yourself. 'This boy of mine has no claims upon me; I shan't do him an injustice if don't give him a cent; if I give anything to him I will be generous to him. If I give it all to one, and deprive him of any participation, I will not be unjust.' Ah, gentlemen, the Judge was speaking in the language of technicality, not the language of men's hearts. There never was a right-hearted man in the world who sat down to make a will and divided his property between his children and grandchildren who did not say, What is the just thing to do between these children?" And look at Judge Kibbey. What

was in Mr. Morrisson's mind? It was not the Margaret Smith Home: it was not the Stephen's Hospital. That was not what he was thinking about. It was not Mrs. Irwin; that was not what was in his mind when he said, 'Judge, do you think that is a just will?" What he had in mind was, was it just between Robert's children and Mrs. Hibberd? That was what was troubling the old man. That was what made those restless nights of his, full of anxlety. That was what made the act of making this unequal will so exhausting that he was prostrated by it. It wounded his broken mind and intellect, how to make a just will. He struggled with that vital question, just as he struggled with those figures that were shown to you on the biackboard. Now, gentlemen, I want to discuss these four wills." General Harrison then reviewed the wills. He said that James Morrisson was sixtyeight years old when he made his first will, and up to then he declared that the State's law made a fair and just distribution. The first will, made in 1885, after all the advancements mentioned by the defense, which they claim amounted to \$133,000, but which plaintiffs claim amounted to \$103,000, had een made to Robert Morrisson, Mr. James Morrisson, in full possession of his faculties, when there was no question of his soundness of mind, and with no suggestion having been made to him by any person, made a will in which he divided his erty among his heirs as it would have descended to them according to the law of

the State, equally, between his son, his daughter and his wife. He took no account of any gifts or advancements which he had made to his son and to his daughter. He allowed this will to remain unchanged until January, 1893, when, in his infirm physical condition and his mind clouded by disease, he radically changed the plan of his life, and made a will giving the children of his dead son, who died in 1888, but \$8,000 apiece, and to his daughter-in-law, Mrs. Robert Morrisson, \$8,000, making the entire bequest to the family of the deceased son, \$24,000, when, at the same time, he held a mortgage of \$16,500 upon the homestead of his deceased son's family, in Chicago, which would reduce the entire legacy to them to the sum of \$13,500. He left the entire residue of his estate, half to his wife and the other half to his daughter. Elizabeth Hibberd. In June, 1893, when his wife was supposed to be dying, upon the suggestion of Judge Kibbey, that a portion of this estate, should his wife die before he did, might descend in a way that he did not wish, he made a

new will. He changed the bequest to his

wife from an estate in fee to simply a life estate, with the provision that at her leath, the entire estate should descend to his daughter, Elizabeta Hibberd. He increased by this will the legacies to Robert's family from \$8,000 each to \$12,000 each, makng the entire amount which they would receive at his death, \$36,000. By the change in the legacy to his wife of one-half of the residue of his estate from a fee to a life estate, he entirely cut hobert's family off from the one-half interest which they would have had in the half of the estate left to his wife in the will of January, 1893, and thereby placed the entire estate in the hands of his daughter, Mrs. Hibberd. The fourth and last will contains substantially the provisions of the June will, with the exception that the legacies to his grandchildren are increased from \$12,000 to \$20,000, and be-

ervants and \$6,000 to the Margaret Smith ome and a like amount to St. Stephen's Hospital. The entire residue of the estate is given to Mrs. Hibberd.

SEEKING EXPLANATIONS. General Harrison's discussion of the four wills was upon the theory that the first was fair and just to the heirs of his favorite son, and that the greater part of all this trouble was due to a misapprehension of Morrisson's meaning by Judge Kibbey, who wrote the last will. The July will was considered at length, General Harrison saying that this time James Morrisson was in condition to agree to anything said to him. In concluding, he said:

"Gentlemen, the necessity of finding ome explanation of these most unnatural and extraordinary will has strongly impressed itself upon our adversaries. have realized the human heart, the natural sense of justice speaks and says, 'did he have a reason for it?' If not, it is to us convincing evidence that his mind was not sound. Men do not make this sort of will if they have a conception of what is involved in them, in the way of heartburns, and trouble, and litigation, without having some reason, and, as I have said, if he had such reason he would have ex-pressed it so that all the world might know, as well as the disowned child, why it was done. And so these gentlemen resort to numerous suggestions. It was suggested by one of the counsel that probably this was done because Mr. Morrisson was a Hicksite Quaker, and his grandson, Jamie, had joined the Episcopal Church. I think it was urged by these gentlemen that such might have been his feelings; on that account that it was legitimate to inquire into It as to whether Mr. Morrisson had sanctioned their joining the Episcopal Church Thank God, gentlemen, that these lines o division have nearly passed away! Thank God, that all the littleness of the old divisions in which preachers spent their time in trying to show that other people were wrong are faded away. Do you believe for one moment that this generous, kind-hearted old man, this old Friend, that the thought ever entered his mind that he would cut these children off because they iid not belong to the same church he did' I do not believe there is a jury in the land a will would permit that was put a sentiment. A man who entertain any such a narrow and bigoted suggestion as that has not mind enough to

Answering the charge that the amount of the Morrisson children's income was too such, he said, then that of the Hibberds is far more too much. Continuing, he said: "I have now dwelt upon these wills from first to last, and I have at least made good two propositions, whatever you may think of the others: That Mr. Morrisson in June either did not know how to give directions to his attorney to make a will or that he did not know whether the will was made all right' I have shown you when he made each of these wills in 1893, that he did not have active memory enough to recall the fact that Robert owed him \$10,500, and that this sum would be deducted from the legacies. It is perfectly clear, if this will stands, that as to those legacies to these hildren, they will receive \$10,500 less than James Morrisson intended they should have, y reason of his lack of memory. I have showed you how he changed the great purpose of his life. I have showed you how, in every will, he vacillated as to every provision connected with it.

FAMILY RELATIONS. "Now I must say a word or two as to the relations of my clients to their mother. Gentlemen, happy is the man who in his old age finds in his own daughter, by blood, the faithfulness, tenderness and affection which James Morrisson found in his daughter by marriage. They were a happy family, utterly unsuspicious that anything underhanded was going on, utterly unsuspicious that they had fallen into their grandfather's disfavor in any way. James, his namesake, yes, his namesake, the only one of the family bearing the Morrisson name, the boy that his grandfather said that he looked to to carry the name on in honor-Jamie, whom he felt so solicitous about; Jamie, whom he couldn't wait to meet, but forced the dawn that he might go to the early train and put his arms about him and kiss him; Jamie whose father had named his only son after him frace the family names in the Hibberd family - Aubrey and Wilbur Carr, no namesake of James Morrisson in M Hibberd's family, and here the namesake the only Morrisson that was left, gets, b way of special distinction, an old shotgun-Mrs. Hibberd a diamond pin that had been intended for him; Wilbur Carr, a watch and chain that had been given to Jamie y one will, and the only thing that distinguished the last Morrisson of the family and the one that his grandfather looked to to carry down the name, the namesake of the testator, is an old Parker shotgun that had been given to him years before Yet they tell us this man was in full pos session of all his mental faculties! "Gentlemen, I have no words of unkindness to Mrs. Hibberd; I do not want to leave behind me here in Recommond any bitter memory; I do not want to deepen or intensify the bitterness that this unjust will has brought about; but, gentlemen, will not hes tate to say that the woma to whom Mrs. Lydia Morrissen looked, the woman to whom James Morrisson and his wife looked for service and attention that involved sacrifice for their comfort, was Mrs. Robert Morrisson. She was not subect to bad headaches, perhaps-there was no danger of surprising or disturbing her by too sudden communication of illness of he mother. It was flashed over the wires and very probably Mrs. Robert Morrisson, in Chicago, had earlier advice of the Marci liness of Mrs. Lydia Morrisson than Mrs. Hibberd had here in Richmond, because they did not send her word, because she might have a headache. Mr. Hibberd goes to the house he knows about it; he goes down to dinner and they sit down regularly and take their dinner and after dinner ac tells his wife her mother is seriously ill.

time of sickness Robert Morrisson was a faithful patient nurse, while if Mrs. Hibberd lost an hour's sleep in the three weeks' illness her mother which so nearly proved fatal.

here is no evidence of it. A WOMAN'S SERVICES "Gentlemen," he continued, "do you know what it is to be a nurse? To spend night after night in the care of the sick? Do you know what it is to have eyelids become so heavy that they teel like lead, exhaustion so great that one feels as if he would drop in his weary tracks; loss of sleep racking and leaving the nerves until one is in the extreme of exhaustion? Do you know what it is to do the unpleasant offices of the sick? The sick room is not simply the place of flowers, it is not simply place of meeting and exchanging conversation. It is the place where hard and laborious offices are to be done. Mrs. Robert Morrisson did all that, through the June illness Mrs. Hibberd was there two or three nights. I say nothing about the daughter's neglect; I make no hint of that kind; I am telling of this other woman's service, without any attempt to move your sympathies. Those were her relations to this family-solicitious. tender, loving, watchful and patient. say again, sirs, any man will be happy who has a daughter by blood who is as faithful as James Morrisson's daughter by marriage. They dwelt under that roof of his as un suspicious as children of this mine that was being dug under their feet; not å suggestion of self-interest, not a request, not an impertinent inquiry as to what Mr. Mor risson was doing; not a thing to show the were not perfectly contented, without knowing what he was doing in his will. Gentlemen, this is the story. Will you find in the relation of this family any lack of duty or love on the part of these children? Do you find in this whole case, from first to last, any reason that could have moved a rational mind, any true, kind heart to make such a will as this? I do not believe you can find it; and if you and these walk are repugnant to your sense of justice, repugnant to the expectation that would have formed, repugnant to the just expectation of Robert's children and family, and without any reason, then you will add to this fact its irrationality, and you will say: 'We find this man to have been of unsound mind. He made wills for which we cannot see a rational purpose, and in which we cannot see a rational scheme.' When you have done that, you will have done no violence to the law or to your conscience. You can go home with a conciousness of having done what is right. "Now, gentlemen, the case is with you. said at the beginning of it that I hoped, however long or however short it might be, that I would be enabled to bear myself

befor you so that I could carry away your respect. I have no other ambition or purpose in life than to deserve and have the respect of my fellow-citizens, Do. gentlemen, what seems to be your duty. should be glad if my engagements should permit me to see you when your labors are through. If they do not, I hope that intermay bring us occasionally together and that every one of us, conscious o having done what seemed to be right the sight of God and in the guidance of ar enlightened consei mee, we will find our days glide peacefully to a close and our end be undisturbed by feelings that inequality and injustice shall destroy the affections and rend asunder those whom we leave behind us, and with the assurance that every child and every grandchild will bring flowers to our graves. At the conclusion of the arguments Judge Black delivered his instructions to the jury, occupying about an hour's time. He treated

generally of the law of undue influence and of descent of property. Each side submitted twelve questions which they wished the jury to answer, and the twelve men then retired. The attorneys in the case remained in Richmond.

The Public Schools Dismissed. Among the well-known people in the court lobby to hear the argument were: Simon T. Powell, New Castle; William Dudley Foulke and wife, Mrs. Mark Reeves, Mr. and Mrs. Daniel Surface, Mr. and Mrs. L. D. Stubbs, Mr. and Mrs. John Dougan, Mr. and Mrs. W. P. Scott, Capt. and Mrs. J. Lee Yaryan, Mrs. Paige and Miss Paige, Mrs. A. W. Hempleman, Mrs. Edward Cook, Mrs. Will Needham, Mrs. Robinson, Mr. and Mrs. Will Bradbury, Mrs. E. A. Richey, Mrs. Al Coffin, Mrs. Burchenal and daughters, D. Wiggins, Mrs. Beulah MacPherson, Mr. and Mrs. Turnet Haynes, Mrs. Hugh Wiggins, M ss Sarah Mendenhall, Mr. and Mrs. Frank I. Reid Senator and Mrs. C. E. Shiveley, Mr. and Mrs. Tom Nicholson, Miss Ella Braffett, Miss Margaret Boston, Mrs. Ballard, Mrs. Major J. S. Ostrander, W. B. Hadley and daughter, Miss Adah, Mrs. J. G. Hunt, C. B. Hunt, Elwood Morris, Prof. E. P. Trueblood, Mr. and Mrs. Leonard Lemon, Rev. Dr. and Mrs. Isaac N. Hughes, Mrs. Walter Hutton, Mrs. W. O'Neal Mendenball, Miss Nellie Leonard, Mr. and Mrs. Valentine Leonard, Mr. and Mrs. M. H. Dill, Mrs. Sands, Mrs. Campbell Howard, Mrs. Olive Gaar, Miss Emma Zeller, Mrs. Dr. Weist, Dr. Jay and wife and Miss Jay, Mrs. Whitridge, Mr. Will Leeds, Con ressman Faris of Terre Haute, Miss Lupton. The public schools were dismissed at 3 o'clock in order that the teachers might attend.

HISTORY OF THE CASE.

Expense of the Litigation Will Probably Reach \$100,000. The title of the suit to set aside the will

of James L. Morrisson was:

"Bertha L. Morrisson and James W. Morisson vs. Elgar G. Hibberd, executor of James L. Morrisson, Elizabeth Hibberd, Elgar G. Hibberd, Aubrey Hibberd, Wilbur Carr Hibberd, Fayetta C. Morrisson, Elizabeth S. Erwin, Maggie Varley, Rufus Milton, St. Stephen's Hospital and Samuel C. Brown, James Taylor and Naomi Harrison, trustees of the will of Margaret Smith. The greater part of the money over which the heirs of the testator fighting was earned by Robert Morrisson, who was born in North Carolina, Oct. 19, 1786, and who came to Indiana in 1810. He had accumulated a sum of money and bought land along the National road. Afterward he went to Richnond and opened a trading store which flourished. The owner speculated and saved, and left nearly a quarter of a million dollars behind him, when he died, in 1865. Robert Morrisson was one of the early founders of the town of Richmond. His fortune went to his only son, James L. Morrisson, who was born in Richmond in 1817. Although the latter led an easy, indolent life, the fortune left him by his father reached nearly threequarters of a million dollars before he died He was fond of his gun and his dogs, and it was his boast that he never earned a dollar in his life. He was the father of two children, Robert and Elizabeth. It seemed that the son Robert inherited his father's lack of business ability and he failed financially in Chicago, where he went to engage in the wholesale drug business. However the father advanced large sums of money and saved the firm from utter ruin. Robert Morrisson died in 1888. James W. and Bertha Morrisson, with their mother Fayetta Morrisson, survived him. Elizabeth Morrisson the aunt of James W. and Bertha Morrisson, married Elgar G. Hibberd, a member of a prominent Richmond family. He figures as the executor of the estate in litigation, and one of the defendants to the suit. The death of James L. Morrisson occurred Aug. 12, 1893, a month after his wife had died. It has been shown that his estate was worth \$600,000. He left a long will, that was admitted to probate two weeks after his death. The will was executed July 25 1893. The first item of the document, after making a number of bequests of a minor nature, bequeathed to his grandchildren, Bertha L. Morrisson and James W. Morrisson, all of the furniture and personal property in the house in which he died; also all of the vehicles, harness and horses in his extensive stables. Bertha L. Morrisson, in addition to these bequests, was to receive \$20,000 and the undivided part of two lots in Richmond. Twenty thousand dollars, a Parker shotgun belonging to his grandfather and the undivided one-fourth of lots 145 and 146, were bequeathed to James W. Morrisson, Lestra Hibberd, Aubrey Hibberd, and Wilbur Carr Hibberd were left legacies of \$20,000 each, and an additional bequest of \$20,000 was left to Fayetta C. Morrisson, the mother of James W. and Bertha. Elizabeth S. Irwin, Maggie Varley and Rufus Milton became beneficiaries of minor sums. To the trustees of the will of Margaret Smith \$5,000 was devised, for the purpose of enlarging a trust fund. Elizabeth Hibberd, daughter of ne testator, in addition to the bequest made to her in item second, was to have a onehalf interest in lots 145 and 146, also the diamend breastpin worn by her father, and the residue of all the property left by him. Elgar G. Hibberd, husband of Elizabeth, was nominated executor of the will with out bond. He was authorized to sell all of the real estate or any part of it at his own discretion, to execute deeds for the same and to transfer and assign any note, stock or bond as he should think best in the settlement of the estate. Within a few days after the will was filed

was rumored that the children of Robert Morrisson were not satisfied with the dithat they would go into the courts to break the will, on the ground of undue influence Oct. 22, 1894, the complaint was filed and Jan. 2, 1895, the case came to trial. The fol-lowing jurors, all farmers, were selected to try the case: Newton Hunt, Nelson Crowe, George McConnaha, John C. Wessler, Milo Cranor, Calvin Kitterman, Philip Miller, Eulass Bunnell, William Replogle, John C. Nicholson, Elias M. Hoover and William Shaw. Some of the best legal talent in the State was engaged in the litigation. Among ne attorneys were Benjamin Harrison and Ferdinand Winter, of Indianapolis; Richard Jackson and Harry C. Starr, Charles H surchell and John L. Rupe, of Richmond for the plaintiffs, and Henry U. Johnson Henry C. Fox, John F. Robbins, Thomas . Study and John F. Kibbey, of Richmond for the defense. The litigation has been bitterly fought from start to finish. More than two hunared witnesses have been examined and the record will contain nearly four mil

During his lifetime the late Mr. Morris son made four wills, the first document being executed in 1885. That will gave his grandchildren \$5,000 each, the remainder of the estate going to his daughter, Mrs. Hib berd, to his wife and his son Robert. This will was in force until Robert died in 1888. Three more wills were made in January June and July of that year. The last wil left Mrs. Hibberd and her husband \$40,000. but the plaintiffs assert that in none of these wills was reference made to the testator's having made advancements to his son and daughter. There are two sides to the controversy, the plaintiffs charging that James L. Morrisson was mentally unbalanced for a year previous to the making of his last will. There was no claim that an estrangement had existed between him and the family of his son Robert. The chief reason urged by the defense for the disrimination against Robert's children was hat Mr. Morrisson had at different times advanced his son as much as \$135,000. During the trial of the case, the evidence of undue influence having been exerted over the old man has been purely circumstantial. John F. Kibbey, who drew up the wills declared on the witness stand that he had only followed the dictation of Mr. Morris-The testimony showed that in the lanuary will Robert Morrisson was the peneficiary of much property. After his death, his father, fearing that the bequest made to Robert's children would lapse, and they would not receive their share took the will of 1885 and after changing it so that the grandchildren would receive \$8,000 each, divided the rest of the estate between his wife and daughter. The plaintiffs claim that this was by an between Mr. Morrisson and his wife that Mrs. Hibberd was to have her share, and on the death of Mrs. Morrisson the widow and children of Robert would be provided for. In June, 1897, Mrs. Morrisson was taken suddenly ill and the assertion was made by the plaintiff that John F. Kibbey, went to Elgar Hibberd the latter part of that month and asked him to communicate with Mr. Morrisson to the effect that if his wife's death occurred before his own that part of his estate might go in a way unsatisfactory to him. It was shown that Mr. Hibberd refused to carry this message to his father-in-law. However, according to the plaintiffs, Mr. Morrisson heard of it and summoning John F. Kibbev, the June will was made. Mrs. Robert Morrisson and his two grandehildren under this will got \$12,000 each. A life interest in oneher death Mrs. Hibberd was to have it.

The latter was also to receive the other half. The death of Mrs. Morrisson oc-

curred July 7, 1893. Shortly after her death

the rector of the Richmond Episcopal out to him the interest his late wife had taken in the Margaret Smith Home and St. Stephen's Hospital. It was shown by the plaintiff that in the former wills these institutions were not mentioned, but after the rector's visit, both were remembered The defense denied the charge of undue influence and asserted that Robert Morris son, father of the plaintiffs, up to 1885, received \$135,000 out of the estate; that he died leaving \$150,000. They claim that under the will of 1893 Mrs. Morrisson and Mrs. Hibberd would have received \$240,000 each and if Mr. Morrisson had died while the June will was in force, Mrs. Hibberd would have received \$500,000. A great many witnesses were called by the defense to prove that Mr. Morrisson was of sound mind when he made the will which it is sought to break. It is estimated that the expense of the trial will reach \$100,000.

MINISTERS REBUFFED

PARAGRAPH OF THE ANTI-REVO-LUTION BILL REJECTED.

Action of the Reichstag Has Caused a Sensation-Trouble Brewing Over Formosa.

BERLIN, May 10.-In the Reichstag Herr Bebel, Socialist, attacked the practice of dueling, which, he declared, was contrary to religion and morality. He especially commented on the students' associations in which dueling was formally recognized. The Minister of War, Gen. Bronsarl von Schellingdorf, replied, saying that Herr Bebel was incapable of understanding the views of army officers on this question. Dueling, he added, was only resorted to in the army when all endeavors looking to a peaceable settlement of the matter

in dispute had failed. The Reichstag then rejected the committee's amendments to paragraph 111 of the anti-revolution bill, which is the chief section of the measure, and next the Reichstag rejected paragraph 111 altogether. LONDON, May 10 .- A dispatch to the Standard from Berlin that the rejection of paragraph III of the anti-revolution bill in the Reichstag has caused a great sensation in political circles. It adds that the Reichstag has administered a rebuff to the ministers and Federal Council which ma lead to momentous consequences.

GAINS A PACIFIC PORT. Treaty with Chile That Is of Great Im-

portance to Bolivia. BUENOS AYRES, May 10 .- A dispatch re-

ceived here from Valparaiso, to-day, says that a treaty of peace and friendship has been concluded between Chile and Bolivia, by which the former cedes to Bolivia a small strip of territory and a portion of the Pacific midway between Iquique and Pisagua. Chile in return receives commer-WASHINGTON, May 10 .- The conclusion

cial advantages. of the Chile-Bolivia treaty is said to be far-reaching importance, particularly to Bo livia, as it makes the latter a Pacific coast country after it has been shut inland for ten years. Officials here say that when Chile concluded her war against Peru and Bolivia the victors took all the seacoas territory of Bolivia, leaving her landlocked, like Switzerland, without opportunities for commerce by the Pacific and unable to maintain a navy. In 1884 a treaty of truck was effected between Chile and Bolivia, but the latter did not get back her coast territory. After remaining hemmed in for ten years Bolivia now gains a Pacific port and a strip of territory. This will enable her to resume commerce by the Pacific without crossing Chilean soll and it will permit a re-establishment of her navy. Minister Gana of Chile, has not been officially advised of the cerclusion of the treaty.

REVOLUTION IN ECUADOR.

Esmeraldas Shelled by a Gunboat-Work of the Ranger's Captain. NEW YORK, May 10.-A special to morning paper from Panama dated May 9 says: "The British bark Chala, which arrived here this morning, carried 150 troops of the Ecuador government from Manta, convoyed by the gunboat Cotopaxi, carrying two hundred, to Puntasua, off Esmeraldas, May 3. In trying to effect a landing the troops met with continuous firing from the shore and were forced to retreat with heavy losses. Captain Bayano, of the Cotopaxi, realizing the uselessness of his guns at their distance from Puntasua, turned his course to a point nearer to Esmeraldas and began to shell the town effectively. Then he threatened a regular bombardment un less the rebels evacuated their position with n twenty-four hours orders of the United States to protect American interests, made its appearance. It was timely entrance on the scene. Captain

At this jurcture the Ranger, under cabled Watson, of the Ranger, landed immediately under a flag of truce and his wise counse and friendly influence prevailing the rebels guitted Esmeraldas and Captain Bayano assun ed possession. The rebels remain encamped in the vicinity.

The revolution is everywhere gaining in Ecuador. General Altaro has been proclaimed its leader. The rebel general Bow-en holds Babahoyo, which is on the Guyas, seventy miles from Guayaquil, with an army

A "Spat" in the Commons. LONDON, May 10 .- There was an exciting scene in the House of Commons to-day. Sir Donald Horney Macfarlane (Liberal), member for Argyllshire, after receiving an evasive reply to his question as to when the crofters' bill would be taken up, threatened that the Scotch members would withdraw their support of the government. This caused the Chancellor of the Exchequer, Sir William Vernon Harcourt, to reply, in a towering rage, that it was open to the Scotch members to do as the pleased. Thereupon, Mr. Donald Macgregor Liberal), member for Invernesshire, torted: "Are we to understand that the government is going to show the white feather to the opposition?" The Chancel lor of the Exchequer made no reply. The House of Commons to-day adopted the proposal made by the Chancellor of

the Exchequer. Sir Wm. Vernon Harcourt when he presented the budget on May reimposing a duty of 6d per gallon on beer which will convert the estimated deficit of £319,000 into a surplus of £181,000. The vote stood 230 to 206.

France Wants Formosa.

LONDON, May 10.-A dispatch from

Shanghai says that France has protested against Japan annexing the island of Formosa and has preferred a number of prior claims. It is regarded as certain that Great Britain will strongly resist France's claims. A dispatch to the Standard from Madrid, dated this morning, says that Spain's adhesion to the three powers that protested to Japan against the annexation of territory in Manchuria was promised only on condition that the powers induce Japan to aban-

don Formosa. Pritchard Knocked Out by Smith. LONDON, May 10 .- Jem Smith and Ted Pritchard fought to-night at the Central Hall, Holborn, for the heavyweight championship of England and, £200 a side and a purse. The decision was to be given best man in twenty rounds. the first round Pritchard the advantage, but in the second Smith got in a severe blow on Pritchard's body and soon knocked him out of the ring. Pritchard was unable to respond to the call of time and the fight was awarded to Smith

Canadian Seal Pirates Complain. LONDON, May 10 .- The Hon. J. H. Turner, Prime Minister of British Columbia, to-day lodged with the Colonial Office a long formal complaint made by Canadian sealers against the United States. Sir Charles Tupper, the Canadian high commissioner, is actively supporting the complaint with the Marquis of Ripon, the Colonial Secre-

Ex-Queen Natalie at Belgrade. BELGRADE, May 10.-Ex-Queen Natalie arrive; here to-day, after having been in exile four years. She was met by her son, King Alexander, and a vast and enthusias-tic crowd. Ex-King Hilan remained at Nisch. He is quite well in health.

Boxing Bouts at Montreal. MONTREAL, May A0,-The boxing tournment at Sohmen Park to-night proved an interesting af.alr. The principal events were between Birly Woods, of Denver, and Jack Slavin, of Australia, and Martin Costello, of Montreal, and Bill Slavin, of Australia.

The former was stopped by the police in the third round and the other resulted in Costello's favor in ten rounds. About one thousand persons were present.

LIFE LOST BY FIRE

ONE MAN SUFFOCATED BY SMOKE AND TEN PEOPLE INJURED.

Four So Badly Burned They May Die -Cheap Hotel in Chicago Dam-

aged Early This Morning.

CHICAGO, May IL-A fire in which one man is known to have lost his life and ten others were injured, four of them, probably in a fatal manner, occurred in a rooming house at No. 10 Sherman street, at 1:30 o'clock this morning. The building was a three-story brick concern, standing directly across Sherman street from the north end of the Hoard of Trade building, The first floor was occupied as a saloon by H. H. Happel and floors above were used as a cheap hotel and rooming house by August Michael. The fire was started by an explosion in Happel's saloon and inside of a minute the whole lower portion of the building was a mass of flames. The inmates never had the slightest chance for escape, for the door by which entrance to the hotel was obtained was in front and close to the saloon door. The flames blocked that means of escape. Michael and his wife occupled the upper portion of the third floor and they were at the windows calling for help in a frantic manner when the first firemen arrived. Unfortunately, this was not a truck, and, thinking his chance of life would be lost in a minute if he lingered in the building, Michael sprang from the third story to the pavement below. His left arm was broken and he suffered internal injuries. A second after Michael hit the sidewalk and before the firemen lifted him another form from the third story had come down on the pavement with a crash. It was a man and he was alive, but unconscious when carried to the nospital. Mrs. Michael stuck to her window and was carried down by the firemen, as was her little girl who remained with her. She was badly cut about the limbs by broken glass, but not badly hurt.

The fire was quickly extinguished and the firemen plunged into the house in search of more victims. One dead man was found in the front room and two others badly burned and nearly suffocated. In another room was found a daughter of Michael and in other rooms and in the hallways five other men. One of them was said to be dying when he was laid in the ambulance. The names of the dead and injured as far as known are:

UNKNOWN MAN, suffocated by smoke, AUGUST MICHAEL, both arms broken MRS. MARY MICHAEL, cut with glass and burned on back. LENA MICHAEL, eight months, slightly MOLLY MICHAEL, twenty-one months CHARLES PALLET, badly burned about

JOSEPH DENIER, burned about head, inhaled flames; will die. EDWARD BAUNN. PIERRE ROEGER. EDWARD GUANN FRANK PANDELL OHN NORMER.

head and face; will die.

The five last named are badly burned. All were found unconscious in the building by the firemen and if their rescue had come five minutes later none of them would have

Other Fires.

ZANESVILLE, O., May 10.-The greater part of the large pottery of S. A. was burned this morning, including the new building for the manufacture of Lonhud ware, which is similar to the celebrated Rookwood pottery of Cincinnati. The loss is about \$50,000, with an insurance of \$54,-

AKRON, O., May 10.-Fire started from an explosion in the chemical department at the Imperial Varnish Company's plant to-day, and in an hour the place was in ashes. Loss, \$60,000; insurance, \$35,000. CRESCO, Neb., May 10.-The entire business portion of this town was destroyed by fire to-day. The postoffice, banks, hotel and every store in the place were burned. The

ST. JOSEPH, Mo., May 10.-The St. Joseph Pump Company suffered a loss of \$60,000 by fire to-night. Loss partly covered by insurance.

LOYAL LEGION TRAIN

WELCOMED IN FT. WAYNE, WHERE THE ORDER WAS ENTERTAINED.

Election of Officers for the New Year and a Banquet Last Night at the Randall House.

Special to the Indianapolis Journal.

FORT WAYNE, Ind., May 10.-Special Loyal Legion train over the Lake Erie & Western, tendered by Major Bradbury, the manager, arrived here at 4:30 o'clock this afternoon. Governor and Mrs. Matthews were the only guests of the commandery Most of the members, however had members of their families or other guests. There were rather more women than men. General Lew Wallace, commander, was one of the party, as was General McGinnis, ex-Lieutenant-Governor Cumback, Colonel Clark, of Frankfort; Dr. Young, of Terre Haute; Maj. Mauzy, of Rushville; Col. I. N. Walker, and the regular attendants generally. In spite of the heat the company of one hundred enjoyed the good fellowship which the ride gave. A lunch was served on the train. At Fort Wayne the leading people

were waiting to welcome their visitors. When the train rolled in a special committee, composed of Mayor Oakley, Col. D. N. Foster and Senator Ellison, came out to receive Governor Matthews, while Colonel Robertson, Adjutant White, Captain Dougal and others saw the visiting women put into waiting carriages for a rile. The commandery, escorted by the First Artillery Band and two companies of the Indiana Legion, belonging to this city, and preceded by the Military Band, of Indianapolis, marched to the Fort Wayne Club Building, where its annual meeting was held. Con ander Wallace presided. One of the notable features of the meeting was the reading of a paper on the life and character of General Manson, by Companion T. H. B. McCain, editor of the Crawfordsville Journal, General Lew Wallace followed with a brief, but appreclative delineation of the claracter of General Manson, whom he had known forty years, intimately. He spoke of the eminence which he attained from so adverse a beginning. He was a model neighbor, an excellent citizen, a good man. The following officers were unanimous

elected: Commander, General Lew Wallace; senior vice. Captain George L. Bradbury. Indianapolis; junior vice, Col. D. N. Foster Fort Wayne; recorder, Captain W. W. Daugherty, U. S. A. Indianapolis; registrar, Lieutenant M. L. Brown, Indi-treasurer, Capt. Horace McKay, Brown, Indianapolis apolls; Chancellor, Captain Sanford Fortner ndianapolis; chaplain. M. L. Haines, D. D. Indianapolis: council, Col. J. R. Poss, Col. Charles Kahlo, Capt. J. R. Cleland, Indianapolis; Dr. Eneminger, of Crawfordsville; Captain Beem, of Spencer. A resolution was unanimously adepted congratulating the State officers on their selection of monument regents and expressing confidence in their ability to complete the movement in a manner worthy of the State

and its object. Before the business meeting of the commandry had closed the women returned to the clabbouse, where they were entertained and refreshments served. The annual banquet was served at the Randall House, 175 guests sitting down to the tastefully set table. General Lew Wallace presided with Governor Matthews at his right An ho and a half was taken at table The spe king was led off by General Wallace. Mayor Oakley spoke words of wel-come. Governor Matthews followed in a short address, which was applauded, Claude C. Miller, of Anthony Wayne Post, spoke for the G. A. R., and Major Ostrander, of Richmond, spoke for the Leval Legion. Fort Wayne spared no effort to show teir welcome for the visitors and the Fort Wayne citizens, including the women, sucseeded so well that they will be long reme a most enjoyable occasion. It was every way a most enjoyable occasion. The train will ittern at \$ c clock to-morrow manner.